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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11
Case No.: 8-22-70382-reg

SAVVA'S RESTAURANT, INC.,
d/b/a HARVEST DINER,

Debtor.

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TD BANK, N.A.,

Index No. 604396/2020
(Action 1)

Plaintiff,

-against-

KB INSURANCE CO., LTD. d/b/a KOOKMIN BEST
INSURANCE CO., LTD., SAVVA'S RESTAURANT,
INC., SAVVA'S BROTHERS RESTAURANT, INC.,
and HARVEST COMMERCIAL CAPITAL, LLC,

Defendants.

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SAVVA'S RESTAURANT INC. and SAVVA'S
BROTHER RESTAURANT INC..

Index No. 605713/2020
(Action 2)

Plaintiff,

-against-

KB INSURANCE CO., LTD. d/b/a KOOKMIN BEST
INSURANCE CO., LTD.,

Defendant.

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**NOTICE OF REMOVAL OF STATE COURT ACTIONS TO UNITED
STATES BANKRUPTCY COURT UNDER 28 U.S.C. § 1452 AND RULE
9027(a) OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Savva's Restaurant, Inc., d/b/a Harvest Diner, the Debtor and Debtor in Possession in this

chapter 11 case (the "Debtor"), by its attorneys Pryor & Mandelup, L.L.P., hereby gives notice and removes to the United States Bankruptcy Court for the Eastern District of New York (the "Bankruptcy Court"), under 28 U.S.C. §1452 and Rule 9027(a) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), the following lawsuits pending before the date of the commencement of the Debtor's chapter 11 case: (1) "TD Bank, N.A. v. KB Insurance Co. Ltd d/b/a/ Kookmin Best Insurance Co., Ltd, Savva's Brothers Restaurant Inc. and Harvest Commercial Capital LLC", Index No. 604396/2020 , pending in the Supreme Court, State of New York, County of Nassau ("Action 1") and (2) "Savva's Restaurant, Inc. v. KB Insurance Co. Ltd d/b/a Kookmin Best Insurance Co., Ltd", Index No. 605713/2020, pending in the Supreme Court, State of New York, County of Nassau ("Action 2"; and collectively, with Action 1, the "State Court Actions"), which Actions were joined for discovery and trial, by Stipulation Joining Actions which was "So Ordered" by the Honorable Leonard D. Steinman dated October 13, 2020 and entered on October 21, 2020, and respectfully represents as follows:

1. On March 4, 2022 (the "Filing Date"), the Debtor filed a voluntary petition for relief from its creditors under Chapter 11 of the Bankruptcy Reform Act of 1978, as amended (the "Bankruptcy Code").
2. The Debtor continues to operate its business and manage its property as a debtor- in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner or committee has been appointed in the Debtor's case.
3. The Debtor is a New York corporation, which owns the real property located at 841 Old Country Road, Westbury, New York 11590 (the "Real Property").
4. The Real Property is subject to a mortgage held by TD Bank, N.A.
5. The Debtor operated a seven (7) day a week diner on the Real Property under the name Harvest Diner (the "Diner") for over forty years, until the Diner (and all of its fixtures,

equipment and inventory, as well as all of the Debtor's books and records located at the Diner) was destroyed in a catastrophic fire ("Fire") on September 26, 2019.

6. The Debtor filed a claim for the loss of the Diner with its pre-petition insurance carrier, KB Insurance Co., Ltd., d/b/a Kookmin Best Insurance Co., Ltd ("KBIC"), but KBIC disclaimed coverage. Accordingly, the Debtor commenced Action 2 against KBIC seeking payment on its insurance claim and other and further damages and relief against KBIC.

7. TD Bank, N.A. also asserted a claim as an additional insured as against the KBIC policy and commenced Action 1 on said claim.

8. This Notice of Removal is being filed in the United States Bankruptcy Court for the Eastern District of New York (Central Islip Division) because the State Court Actions are pending in the Supreme Court, State of New York, County of Nassau, which is located in the Eastern District of New York.

9. The State Court Actions relate to and concern property of the Debtor's estate because the State Court Actions seek the payment of insurance which the Debtor asserts is due and owing to the Debtor and its estate, for payment to T.D. Bank, N.A. and other creditors and claimants with allowed claims herein. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, , and the Standing Order of Referral of Cases to Bankruptcy Judges entered in the United States District Court for the Eastern District of New York

10. The State Court Actions are actions which may be removed pursuant to 28 U.S.C. § 1452.

11. Upon removal of the State Court Actions, the matter will be a core proceeding under 28 U.S.C. §§ 157(b)(2)(A), (E) and (O).

12. Upon removal of the State Court Actions, the Debtor consents to entry of final orders and judgments by the Bankruptcy Court

13. This Notice of Removal is timely filed under Bankruptcy Rule 9027(a)(2) as it is being filed within 90 days after the Order for relief in this case.

Dated: Westbury, New York
May 20, 2022

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